

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

V.

JAY M. CHOATE,

Defendant.

8:04CR121

ORDER

Pursuant to the Opinion of the Eighth Circuit Court of Appeals remanding this case to the district court for resentencing pursuant to *United States v. Booker*, 125 S. Ct. 738 (2005),

IT IS ORDERED:

1. That resentencing of the defendant is scheduled before the undersigned on **January 19, 2006, at 2:30 p.m.**, Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The defendant must be present for this hearing.

**2. The U.S. Marshal's Office is directed to return the defendant to this district for the above hearing.**

3. Counsel for the defendant, if previously appointed pursuant to the Criminal Justice Act, is reappointed to represent the defendant for this resentencing.

DATED this 9th day of November, 2005.

BY THE COURT:

**s/ Joseph F. Bataillon**  
United States District Judge